

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

9771 Clairemont Mesa Blvd., Ste B  
San Diego, California 92124-1331  
Telephone (619) 467-2952

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

P 780 925 774

February 28, 1992

P 780 925 774

Mr. and Mrs. Raymond King  
Manning Stripping and Sealing Company  
13650 Paseo Del Mar  
El Cajon, CA 92021

Dear Mr. and Mrs. King:

**CLEANUP AND ABATEMENT ORDER NO. 92-10**

The Regional Board is a State regulatory agency with the responsibility for protecting the quality of groundwaters and surface waters within its area of jurisdiction. The Board has been given authority under State Law to require submission of information, establish regulations, direct action and levy penalties and/or bring legal action when necessary to protect water quality.

Enclosed is a copy of Cleanup and Abatement Order No. 92-10 for the Manning Stripping and Sealing Company, San Diego County. This Order has been issued under the authority of California Water Code Section 13304. Under this Order you are required to provide the Regional Board Executive Officer:

- a technical report with the results of a complete and comprehensive site assessment,
- a remedial action plan for the cleanup of the affected subsurface soils and groundwater.

Failure to comply with the directives of Order No. 92-10 may result in monetary penalties and/or referral to the Attorney General for legal action. Therefore I urge a prompt and complete response.

You will have the opportunity for a public hearing on this order at the Regional Board meeting on April 6, 1992. If you wish to request a public hearing on the terms and conditions of Cleanup and Abatement Order No. 92-10 at the April 6 meeting, a written request should be submitted no later than March 12, 1992. Please note that the written testimony of each witness must be submitted no later than March 19, 1992. Also enclosed is a copy of the hearing procedures which the Regional Board will follow on April 6, 1992, upon request of a hearing. The April 6 meeting will begin at 9:00 a.m. in the Rancho California Water District, Board

Cleanup and Abatement  
Order No. 92-10

-2-

Meeting Room, 28061 Diaz Road, Temecula, California.

If you have any questions, please call Mr. Corey Walsh of my staff at the above number.

Very truly yours,



ARTHUR L. COE  
Executive Officer

Enclosures

cc: Chris J. Allred  
222 W. Madison Avenue  
El Cajon, CA 92020-3406

Lars Skinner  
Hazardous Materials Management Division  
P. O. Box 85261  
San Diego, CA 92186-5261

Harold Taxel  
P.O. Box 2026  
La Jolla, CA 92038

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

CLEANUP AND ABATEMENT ORDER NO. 92-10  
PUBLIC HEARING PROCEDURES

1. Direct Testimony

a. The Regional Board will accept testimony only on the following issues:

- (1) Has a release of waste occurred at the subject site?
- (2) If so, should the Regional Board affirm the issuance of Cleanup and Abatement Order No. 92-10.
- (3) What terms should be included in the Cleanup and Abatement Order?
- (4) What responsible party or parties should the Regional Board name for compliance with Order No. 92-10?

b. All parties wishing to testify in this matter on behalf of Raymond and Elaine King or Harold Taxel shall submit their testimony in writing no later than March 19, 1992. All other parties are encouraged to submit their testimony in writing prior to the hearing. All parties will be allowed to authenticate their submitted written material at the hearing and to present an oral summary of such testimony at the hearing.

c. All parties providing direct testimony are requested to remain for the entire hearing to be available for cross-examination which will occur following direct testimony.

d. Testimony will be received in the following order:

- (1) Testimony by Regional Board staff. The maximum time allocated for the testimony of this party is five minutes.
- (2) Testimony by representatives of Raymond and Elaine King. The maximum time allocated for the combined testimony of these representatives is five minutes.

- (3) Testimony by representatives of Harold Taxel. The maximum time allocated for the combined testimony of these representatives is five minutes.
- (4) Testimony by other interested parties. A time limit of three minutes will be placed on testimony from each of these persons.

2. Cross-Examination

- a. Any party may cross-examine any individual who has provided direct testimony. Cross-examination will be allowed only after testimony from all parties has been completed. Total cross-examination time may be limited at the discretion of the Regional Board Chairman.
- b. Each party desiring to conduct a cross-examination shall begin by identifying the individuals to whom the cross-examination will be directed.
- c. Cross-examination will be limited to matters covered on an individual's direct testimony unless otherwise authorized by the Regional Board Chairman.
- d. Time allowed for cross-examination shall be at the discretion of the Regional Board Chairman. Additional time for cross-examination may be allowed, at the discretion of the Chairman, upon a demonstration that the additional cross-examination is necessary, relevant and not redundant.
- e. Regional Board Members, staff, and counsel may ask questions at any time.

3. Redirect and Recross-examination

Redirect and recross-examination may be allowed at the discretion of the Regional Board Chairman.

4. Closing Statement

Immediately prior to the conclusion of the hearing, all persons who testified at the hearing will be given not more than three minutes to present a closing statement.

5. Discretion of the Chairman

At the discretion of the Regional Board Chairman, the time limits and other restrictions on testimony outlined in these procedures may be modified.

Dated: February 28, 1992

CALIFORNIA WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

CLEANUP AND ABATEMENT ORDER NO. 92-10

RAYMOND E. KING, BILLIE ELAINE KING DOING BUSINESS AS  
MANNING STRIPPING AND SEALING COMPANY, AND HAROLD TAXEL, TRUSTEE  
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) finds that:

1. Raymond E. King and Billie Elaine King (hereinafter the Kings) owned and operated the Manning Stripping and Sealing Company located at 12030 Short Street, Lakeside. On December 24, 1991 the Kings filed for liquidation under Chapter 7 of the Bankruptcy Code. As a result their property was placed under the trusteeship of Harold Taxel, trustee.
2. Prior to December, 1991 Manning Stripping and Sealing Company operated two 500 gallon underground petroleum storage tanks at the site. These tanks were used to store regular leaded gasoline. One of the tanks was constructed of steel and the other of "Plasteel".
3. Raymond E. King, Billie Elaine King, doing business as Manning Stripping and Sealing Company, and Harold Taxel, trustee, are considered dischargers under the terms and conditions of this cleanup abatement order.
4. On March 9, 1990 staff from the Hazardous Materials Management Division of the County of San Diego Department of Health Services (hereinafter HMMD) conducted an inspection of the site for the closure by removal of two underground storage tanks. HMMD staff observed the condition of the two tanks and noted two 1/8-inch diameter holes in the steel tank. Contamination was observed in the excavation below this tank indicated by black/gray discoloration of the soil and heavy petroleum odors. Based on these findings HMMD determined that an unauthorized release of hazardous materials had occurred from the underground storage tank.
5. By letter dated March 14, 1990 the HMMD notified the Kings that the conditions created by the unauthorized release (leak) must be reported and corrected in accordance with the California Health and Safety Code, Chapters 6.5 and 6.7 and the California Code of Regulations, Title 22 and 23. The Kings were directed to:
  - a) Determine the extent and impact of the unauthorized release;
  - b) Submit a written Unauthorized Release Report to the HMMD within five working days;

c) Complete and submit within five workdays a State Water Resources Control Board " Underground Storage Tank Unauthorized Release (Leak)/Contamination Site Report"; and Complete any site mitigation (cleanup) required.

6. By letters dated September 20, 1991, December 4, 1991 and January 22, 1992 the Kings received Official Notice letters prepared by HMMD, regarding the unauthorized release at the site. These letters indicated that site assessment and mitigation activities have not been completed and are past due.
7. Gasoline is a petroleum hydrocarbon which contains 0.12-3.50 percent by weight of benzene, 2.73-21.8 percent by weight of toluene, 0.36-2.86 percent by weight ethylbenzene, 3.22-8.31 percent by weight of xylenes, and 530-1120 ug/g of lead.
8. The "Comprehensive Water Quality Control Plan Report, San Diego Basin (9)" (hereinafter Basin Plan) was adopted by this Regional Board on March 17, 1975 and approved by the State Water Resources Control Board (State Board) on March 20, 1975. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the State Board.
9. Manning Stripping and Sealing Company at 12030 Short Street in Lakeside is located in the El Cajon Hydrologic Subarea (7.13) of the Lower San Diego Hydrologic Area (7.10) of the San Diego Hydrologic Unit (7.00), as described in the Basin Plan.
10. The Basin Plan established the following potential and designated beneficial uses for the surface waters in the El Cajon Hydrologic Subarea:
  - a. Municipal Supply (potential)
  - b. Industrial Service Supply
  - c. Groundwater Recharge (potential)
  - d. Water Contact Recreation
  - e. Non-Contact Water Recreation
  - f. Warm Freshwater Habitat
  - g. Cold Freshwater Habitat
  - h. Wildlife Habitat
  - g. Preservation of Rare and Endangered Species
11. The Basin Plan established the following potential and designated beneficial uses for the groundwater in the El Cajon Hydrologic Subarea:
  - a. Municipal and Domestic Supply

- b. Agricultural Supply
- c. Industrial Service Supply
- d. Groundwater Recharge (potential)
- e. Industrial Process Supply (potential)

12. The California Drinking Water Standards Maximum Contamination Levels (MCLs) or California State Action Levels for the following constituents are:

<u>Constituent</u>	<u>Concentration</u>
Benzene	1 ug/l
Toluene	100 ug/l
Ethylbenzene	680 ug/l
Xylenes	1750 ug/l
Lead	50 ug/l

13. This unauthorized discharge of petroleum hydrocarbon has resulted in the release of the contaminants described in Finding 7 in the soil. The migration of the contaminants from the soil to the underlying groundwater threatens to cause the MCLs and Action Levels, established to protect municipal and domestic water supply sources, to be exceeded in the underlying groundwater. Accordingly the unauthorized discharge threatens to cause a condition of pollution to occur in the underlying groundwater.
14. The quality of the waters of the El Cajon Hydrologic Subarea is subject to the provisions of the State Water Resources Control Board's Resolution 68-16, "Statement of Policy with Respect to Maintaining High Quality Waters in California". Under the terms and conditions of Resolution 68-16, the quality of the waters of the El Cajon Hydrologic Subarea must be maintained unless it is demonstrated that a decrease in water quality:
- (1) will be consistent with maximum benefit to the people of the state,
  - (2) will not unreasonably affect beneficial uses, and
  - (3) will not result in water quality less than prescribed in the Basin Plan or other adopted policies.
15. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Administrative Code.



**IT IS HEREBY ORDERED THAT,** pursuant to Section 13304 of the California Water Code, the dischargers shall comply with the following Directives:

1. No later than June 1, 1992 the dischargers shall provide to the Regional Board Executive Officer a technical report with the results of a complete and comprehensive site assessment for the Manning Stripping and Sealing Company. The report must address any contamination that has migrated off-site and must include the following information:
  - a. A site map showing the location of the former underground storage tank systems, site structures, the location and depth of underground utilities (telephone, gas, water etc.), any borings and monitoring wells, and all adjacent land uses.
  - b. A discussion of the products that were historically stored in the underground storage tanks.
  - c. Boring logs and monitoring well construction details for all borings and monitoring wells that are installed on-site or off-site. All boring and monitoring well logs must bear the stamp of or be signed by the registered geologist responsible for the logs.
  - d. A description of the local geology, the site geology, and site soil types, including a discussion of known or probable contaminant migration routes such as underground utility trenches.
  - e. The depth to first groundwater, groundwater gradient and flow direction, and free product thicknesses, where it is detected, in any of the wells.
  - f. A description of the soil and groundwater sampling protocol employed, including:
    - i. equipment used
    - ii. decontamination between borings and sampling
    - iii. well purging and well development procedures
    - iv. sample collection and preservation methods
    - v. sample management, including copies of the chain of custody forms
    - vi. quality assurance/quality control, including laboratory certification for the analytical methods specified and a copy of the laboratory analytical results

- g. Sufficient analytical data from soil and groundwater samples to identify the contaminants, their concentrations and extent in the subsurface in both the vertical and horizontal directions. This includes the extent of the petroleum hydrocarbon contamination in both the soil and groundwater which may extend off-site. Analyses of soil and groundwater samples must address any constituents that have been historically stored on-site. Samples must be submitted to a laboratory certified by the California Department of Health Services for the analyses requested. Both soil and groundwater samples must, as a minimum be analyzed for the following constituents by the methods noted:

Total Petroleum Hydrocarbons	DOHS TPH Method
------------------------------	-----------------

Benzene, Toluene, Ethylbenzene, and Total Xylenes (BTEX)	EPA Method 8020
---	-----------------

Total Lead	EPA Method 7421
------------	-----------------

- h. A summary table of the analytical data from the soil and groundwater samples collected. The analytical methods must be identified for each sample, and each sample's depth and location must be noted with the analytical results.
- i. Site maps showing the horizontal and vertical extent of soil and groundwater contamination. These maps must include cross sections of the site which show the known or probable contaminant source(s), subsurface lithology, groundwater table, and sample results.
- j. A description of groundwater supply wells and surface waters within 1/2 mile of the site.
2. In the interim period prior to complete implementation of remedial actions, the dischargers shall immediately immobilize and recover all free product from the affected groundwater zone, and immobilize the dissolved product in the soil and groundwater to prevent off-site migration of either free or dissolved product. Pursuant to Directive No. 6 of this Order, quarterly progress reports to the Regional Board Executive Officer must document these activities.
3. No later than August 1, 1992 the dischargers shall submit to the Regional Board Executive Officer a remedial action plan for the cleanup of the affected subsurface soils and

groundwater underlying the Manning Stripping and Sealing Company. The remedial action plan must address the areal extent of contamination which may extend off-site as a result of the unauthorized discharge, and must include a time schedule for implementation. The proposed treatment system must achieve one of the following cleanup levels for the petroleum hydrocarbon contamination in the subsurface soils and groundwater.

- a. Treatment and/or removal of the contaminated soil and groundwater to naturally occurring background concentrations for the constituents associated with the substances that were released to the subsurface.
- b. Treatment and/or removal of soil and groundwater to achieve concentrations less stringent than those specified in (a), however, the dischargers must demonstrate to the Regional Board's and the San Diego County Health Department's satisfaction that the alternative site specific concentrations proposed by the dischargers to remain in the soil and groundwater subsurface following treatment would:
  - i. Be consistent with State Board Resolution 68-16 noted in Finding No. 10 of this Order,
  - ii. Not exceed applicable water quality standards, such as Maximum Contaminant Levels (MCLs) for drinking water as established by the U.S. Environmental Protection Agency and the California State Department of Health Services, in order to protect the beneficial uses listed in Finding Nos. 8 and 9 of this Order,
  - iii. Pose minimal threat to public health and safety and the environment.
4. No later than September 1, 1992 or within 30 days of approval by the Executive Officer, whichever comes first, the remedial action plan and its time schedule, required by Directive No. 3 above, must be implemented by the dischargers.
5. In addition to the site assessment report and the remedial action plan required by Directive Nos. 1 and 3, respectively, the dischargers shall submit quarterly progress reports to the Regional Board Executive Officer until the site has been adequately mitigated and this Order is rescinded.
6. The quarterly reports shall contain the following information:

- a. A site map showing the location of all borings and monitoring wells, the hydrologic contours and groundwater gradient, and the boundaries of the free and dissolved product plumes.
- b. The groundwater levels and free product thicknesses, if any, in all of the wells.
- c. The analytical results of analyses of groundwater samples collected from all monitoring wells, including all quality assurance/quality control documentation.
- d. The quantity of free product recovered from the groundwater for the quarter in gallons, the total to date, and its ultimate disposal point.

The quantity of groundwater extracted for the quarter, the total to date, and its ultimate disposal point.

- e. A description of the remedial actions employed by the dischargers and the status of assessment and remediation of the site.

The quarterly progress reports shall be submitted to the Regional Board Executive Officer in accordance with the following schedule:

<u>Reporting Period</u>	<u>Date Due</u>
January, February, March	April 30
April, May, June	July 30
July, August, September	October 30
October, November, December	January 30

7. Disposal of any contaminated groundwater and/or soil associated with the site must be conducted in accordance with all applicable local, state, and federal regulations.
8. The dischargers shall obtain all necessary permits for assessment and remedial activities associated with the cleanup at the site.
9. A copy of all reports required in the Directives above must also be submitted to the Hazardous Materials Management Division of the San Diego County Department of Health as well as to this Regional Board office.
10. All work and reports which require geologic or engineering

evaluations and/or judgements must be performed and prepared under the direction of an appropriately registered or certified professional pursuant to Sections 6735 and 7835 of the Business and Professions Code.

11. No later than January 1, 1994, the dischargers must demonstrate to the Regional Board Executive Officer's satisfaction that the final cleanup levels, determined pursuant to Directive No. 3, have been achieved throughout the soil and groundwater contamination zones. The dischargers shall continue to monitor the groundwater and submit quarterly monitoring reports in accordance with Directive No. 6 of this Order for a period of two years. If at any time during this post-cleanup monitoring the data indicate that the final cleanup levels have not been maintained, the dischargers shall immediately resume appropriate remedial cleanup actions.

#### NOTIFICATIONS

1. Pursuant to authority under Section 13304 of the California Water Code, the discharger is hereby notified that the Regional Board is entitled to, and will, seek reimbursement for all reasonable costs actually incurred by the Regional Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by Cleanup and Abatement Order No. 92-10. Reimbursable costs are costs incurred by the Regional Board following February 28, 1992. Upon receipt of a billing statement for such costs the discharger shall reimburse the Regional Board.
2. Under Section 13350 of the California Water Code, any party who intentionally or negligently violates any Cleanup and Abatement Order issued by a Regional Board is subject to administrative civil liability imposed by a Regional Board in an amount which shall not exceed five thousand dollars (\$5,000) for each day the Cleanup and Abatement Order is violated.

Ordered By:




Arthur L. Coe  
Executive Officer  
Regional Water Quality Control Board  
San Diego Region

Date: February 28, 1992

Is your RETURN ADDRESS completed on the reverse side?

CLEANUP AND ABATEMENT ORDER NO. 92-10, FOR MANNING STRIPPING AND SEALING COMPANY

780 925 775  
  
**Certified Mail Receipt**  
 No Insurance Coverage Provided  
 Do not use for International Mail  
 (See Reverse)

To: HAROLD TAXEL	
Street & No.	
P. O. BOX 2026	
City, State & ZIP Code	
LA JOLLA CA 92038	
Postage	\$
Insured Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt (including or Return & Date Delivery)	
Return Receipt (including in Chron Copy & Address of Delivery)	
TOTAL Postage & Fees	\$
Postmark or Date	
28 FEB 92	

Fold at line over top of envelope to the right of the return address.

**CERTIFIED**

P 780 925 775

**MAIL**

**SENDER:**

- Complete items 1 and/or 2.

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MR HAROLD TAXEL  
 P O BOX 2026  
 LA JOLLA CA 92038

4a. Article Number

P 780 925 775

4b. Service Type

- |   |   |
|---|---|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                        |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                            |
| <input type="checkbox"/> Express Mail         | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

3/3/92

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

Thank you for using Return Receipt Service.